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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/877,597	06/08/2001	Barry H. Schwab	VID-01702/29	1591

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EXAMINER

NASH, LASHANYA RENEE

ART UNIT	PAPER NUMBER
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2153

DATE MAILED: 07/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/877,597

Applicant(s)

SCHWAB ET AL.

Examiner

LaShanya R. Nash

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9/10/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

This office action is in response to an Appeal Brief filed April 11, 2005. Claims 1-11 are presented for further consideration.

Response to Arguments

Applicant's arguments, with respect to the rejections of claims 1-11 under 35 USC 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground of rejection is made in view of newly found prior art reference Kamper (US Patent 6,654,797), as set forth below in the office action.

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-8, and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Kamper (US Patent 6,654,797), hereinafter referred to as Kemper.

In reference to claim 1, Kamper discloses a method for transferring configuration preferences to a plurality of computers employing a removable storage device, (abstract). Kamper explicitly discloses:

- A method (Figure 4; column 2, lines 1-26) of transferring user preferences (i.e. configuration data allocated to different personnel; column 5, line 54 to column 6, line 11; Figure 3-item John Doe), comprising the steps of:
 - Providing a transportable data storage medium, (column 3, line 56 to column 4, line 5; Figure 3);
 - Recording on the transportable data storage medium, at a first computer (i.e. smart card configured with configuration data subsequent to the physical setup of the server), information relating to a user's computer configuration preferences, (column 5, lines 54 to column 6, line 11);
 - Receiving the transportable data storage medium at a second computer, (i.e. the removable storage device reader is easily moved and coupled to a plurality of servers, one after another; column 5, lines 20-27);
 - At least temporarily configuring the second computer in accordance with the information stored on the transportable medium, (i.e. a single smart card to be used to configure a plurality of servers; columns 6-7).

In reference to claim 2, Kamper shows the method wherein the storage medium includes information relating to the user's preferred desktop graphical user interface, (i.e. operating system images; column 3, lines 15-20).

In reference claim 3, Kamper shows the method wherein storage medium includes information relating to wire or wireless network or dialup communication preferences, (i.e. IP address; hostname; gateway; column4, lines 6-13).

In reference claim 4, Kamper shows the method wherein storage medium includes one or more user files or information relating to a user file, (i.e. client boot files; column 3, lines 4-28).

In reference to claim 5, Kamper shows the method further includes the step of accessing a remote location to at least temporarily configure the second computer in accordance with the information stored on the transportable storage medium, (column3, lines 4-28; Figure 1).

In reference to claim 6, Kamper shows the method wherein the remote location includes data or an application program (i.e. applications) desired by the user at the second computer, (column3, lines 4-28; Figure 1).

In reference to claim 7, Kamper shows the method wherein the step of at least temporarily configuring the second computer occurs through re-booting the second computer or through a different user log-on (column 4, lines 1-10).

In reference to claim 8, Kamper shows the method wherein the storage medium uses a magnetic, optical, magneto-optical, or semiconductor memory, (column 3, line 56 to column 4, line 5; column 5, lines 45-65).

In reference to claim 10, Kamper shows the method wherein the storage medium is in the form of a disk or card, (i.e. smart card; column 3, line 56 to column 4, line 5; column 5, lines 45-65; Figure 3).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kamper as applied to claim 1, in view of Lenz (US Patent 6,029,196), hereinafter referred to as Lenz.

In reference to claim 11, Kamper discloses substantial features of the claimed invention such as storing user files on the storage medium (column 3, lines 5-26), and storing the user files at a second computer (i.e. storage device created at a remote place; column 7, lines 17-28). However, Kamper does not explicitly disclose that the user files are updated in accordance with the user at the second computer.

Nonetheless, it would have been obvious to one of ordinary skill in the art at the time of invention to accordingly modify the method as disclosed by Kamper, as further evidenced by Lenz.

In an analogous art, Lenz discloses a method for configuration of client preferences and settings in a computer environment, wherein updates to client files are used to replace existing files (column 2 lines 12-14). One of ordinary skill in the art

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would have been so motivated to implement this modification so as to update the user files on the storage medium at the second computer replacing existing user files from the first computer, thereby alleviating the need to for users to manually update their stored preferences and settings, (Lenz column 1, lines 12-24).

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kamper as applied to claim 1, in view of Official Notice.

In reference to claim 9, although Kamper shows substantial features of the claimed invention, the reference does not show prompting the user to remove a portable storage device. However, the examiner serves official notice that user prompts were well known and widely used in the art at the time of the invention.


It would have been obvious to a person of ordinary skill in the art at the time of the invention to apply user prompts to remove the transportable medium to implement the method for customizing a client computer configuration as disclosed in Lenz. The modification would have been obvious because one of ordinary skill in the art would have been motivated to prompt the user to retain the storage medium in order to transfer the stored user unique identifier to other clients. Subsequently, configuring the currently used client computer system according to the user's preferences.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaShanya R Nash whose telephone number is (571) 272-3957. The examiner can normally be reached on 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (571) 272-3949. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LaShanya Nash
Art Unit, 2153
July 11, 2005



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